



US Army Corps  
of Engineers

San Francisco District  
211 Main Street  
San Francisco, CA 94105

# Public Notice

PUBLIC NOTICE NO. 13464-49      DATE: 21 May 1982

REGULATORY FUNCTIONS BRANCH    SPNCO-RP

RESPONSE REQUIRED BY: 20 June 1982

1. Redwood Shores, Inc., 350 Marine World Parkway, Redwood City, California 94065 (telephone 415-592-4170) proposes to place approximately 319,000 cubic yards of clean dry imported fill on a 82.13-acre tract, known as Area 'E', a dry land area completely enclosed by dikes on Redwood Peninsula, in San Francisco Bay (South), adjacent to Steinberger Slough, in Redwood City, San Mateo County, California. The applicant has applied for Department of the Army (DA) authorization to place approximately 53,600 cubic yards of the total 319,000 cubic yards of fill. This 53,600 cubic yards of fill would cover approximately 11 acres of the 82.13-acre site that are in the Corps' jurisdiction. This application is being processed pursuant to the provisions of Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and the San Francisco District's Administrative Policy outlined in Paragraph 5.

2. Redwood Peninsula: Past and Present. Redwood Peninsula, about 30 miles south of San Francisco, in San Mateo County is approximately three square miles in area. It is surrounded by water on three of its sides: Belmont Slough on the north, Steinberger Slough on the south and Bay Slough on the east. The west end connects to the mainland and borders U.S. Highway 101. In the 1850's this land mass was marshland interlaced with sloughs that were under tidal action from San Francisco Bay. Reclaiming tidelands was a common practice in the late 1800's and this area was reclaimed for agricultural use; mostly grazing of livestock. In later years, salt ponds were installed and fill was placed with each successive new land use. Now, the planned land use is urban development, e.g., shopping centers, condominiums/residential/housing and commercial uses. At the western end, adjacent to U.S. Highway 101, a shopping center that was previously permitted by the Corps in 1977 will be constructed. Adjacent to this future shopping center and further east in the direction of the bay to approximately the middle of the peninsula, are located existing homes and townhouse residences.

3. Area 'E' Project Site. As shown on the attached drawings in 8 sheets, Redwood Shores, Inc., is proposing to develop the 82.13-acre site, adjacent to and east of the existing homes/townhouse residences, for new homes/townhouses, urban services and public facilities. The fill placed in the late 1920's to the 1960's on the 82.13-acre tract has obliterated the area's natural state.

Before any new construction can take place on Area 'E', more fill is needed to bring the final elevations into conformance with the overall storm drainage design criteria for Redwood Shores. The cost-effective design criteria is for grading at the site to an elevation of 6.3 feet (datum 1929 NVGD) at the edge of the interior lagoon with a minimum slope of one-percent rising to a maximum elevation of 8.2 feet on portions of the site furthest from the lagoon. The

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applicant states the existing series of lagoons has been vital to development of the peninsula both past and present. Today the lagoons cover 70 acres and not only pond storm drainage but also provides recreation for Redwood Shores residents.

The controlled inlet-outlet structures are critical to the lagoon system. In 1967 there was one controlled inlet-outlet structure. Circulation and water quality were significantly improved with the addition of a second inlet in 1974, and the placing of a third inlet in 1979 (which added 14 acres of lagoon to the Redwood Shores system) further improved the water quality. The changed water quality and increased size of the lagoons have improved the habitat for various estuarine and avian species.

4. Proposed Project. The applicant has applied for a DA permit to construct a waterway system that would add 22 acres of additional lagoons: the excavated material along with clean imported fill would total the 319,000 cubic yards necessary to raise the height of the land adjacent to the waterway to attain a one-percent slope for drainage purposes, and to install an inlet-outlet structure (see Sheet 3). The new waterway would uncover former historic sloughs and additional fill would be placed on other historic sloughs that were filled in past years. It is estimated that there are 13.9 acres of former historic sloughs in the 82.13-acre site in the Corps' jurisdiction that would be impacted. Only 11 acres, however, would be filled.

5. Corps of Engineers' Jurisdiction Pursuant to Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403). The Ninth Circuit Court of Appeals in its decision in the case of Leslie Salt Co. v. Froehlke (1978) determined the Corps of Engineers' regulatory jurisdiction under Section 10 of the River and Harbor Act. The court stated that:

"We hold that in tidal areas, 'navigable waters of the United States', as used in the River and Harbor Act, extend to all places covered by the ebb and flow of the tide to the mean high water (MHW) mark in its unobstructed, natural state."

The phrase "in its unobstructed, natural state" refers to the tidal flow as it existed before man-induced alterations in the shoreline (such as the building of dikes or the causing of subsidence).

To implement the Court's ruling for Section 10 jurisdiction behind dikes, procedures needed to be developed to determine former MHW. Former tidelands behind dikes are usually degraded, causing the "unobstructed, natural state" of the shoreline to often be obliterated. Still, it was necessary to try to reconstruct the tideland topography, not only of the plane, i.e., length and width, but also of the elevation of the tidelands for Section 10 jurisdiction.

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The general approach to reconstructing the historic tidelands that were diked at around the turn of the century lies with the exceptionally accurate U.S. Coast and Geodetic Survey (C&GS) Topographic Maps that were compiled after the 1850's (referred to as T maps, or charts). These early maps show the former tidelands in their "unobstructed, natural state".

While the precise location of the former MHW line is uncertain in the marsh areas outside the former historic sloughs, we have determined that at least the areas of the former slough bottoms visible on the maps are navigable waters of the United States (i.e. were below former MHW) and, therefore, are within the Corps' jurisdiction under Section 10 of the River and Harbor Act as determined by the court ruling in 1978. These areas are depicted on the maps by two solid lines representing the left and right banks of former slough beds (see Sheet 4).

With respect to this application, we have determined that there are 13.9 acres of historic sloughs that have been covered, but not filled to a level above former MHW, and therefore remain in the Corps' jurisdiction. Of the 13.9 acres, 2.9 acres of these former sloughs would remain as part of the proposed addition to the lagoon system; therefore, 11 acres would be filled for development.

6. Proposed Mitigation: Establishment of a Freshwater Marsh. As mitigation for the loss of the former historic sloughs, Redwood Shores, Inc., proposes to provide a 13.85-acre reuse pond. This pond is designed to establish a freshwater marsh at the former South Bayside System Authority (SBSA) construction staging site, presently a non-aquatic area, located at the easterly outer edge of Redwood Peninsula where Steinberger Slough meets San Francisco Bay. As shown on sheet 8, a perimeter levee would be constructed around the 13.85-acre mitigation pond. An inlet pipe would be placed through the levee from the SBSA Treatment Plant allowing the treated water to enter the site, and a discharge pipe would be placed through the levee to allow controlled drainage of water behind the levee into Steinberger Slough. Before the final design plan for the freshwater marsh is worked out, the concerned public, Federal, State or local agencies would be consulted for input.

7. The applicant has been informed to notify the Regional Water Quality Control Board, San Francisco Bay Region, to determine the need for State water quality certification.

8. Environmental Assessment. In accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Corps of Engineers has evaluated the environmental aspects of this activity. The principal environmental effects would include construction-related impacts on existing air, water and noise conditions as well as the filling of 82.13 acres of diked former tidelands. The filling of the project site would eliminate approximately 70 acres of low value (barren and ruderal) upland habitat and an

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approximately 10-acre seasonal ponding area which supports sparse wetland vegetation (primarily pickleweed). Filling and development of the project site would permanently preclude its restoration to tidal action. Only 13.85 acres of the project site are considered to be within the Corps jurisdiction (see Sheet 5 of the attached drawings). However, the entire 82.13-acre development is dependent upon the filling of the areas in the Corps jurisdiction.

Excavation for the placement of the proposed interior waterway and mitigation marsh outlet pipes would temporarily remove an undetermined amount of tidal saltmarsh vegetation along the shore of Steinberger Slough. The applicant has agreed to replant the denuded areas with saltmarsh vegetation. The proposed waterway outlet would help maintain water circulation and quality in the Redwood Shores waterway system.

The 13.85-acre freshwater marsh which is proposed as mitigation could provide valuable wildlife habitat if properly designed and managed. Freshwater marshes were historically more prevalent around the edges of the Bay, but are now very scarce. Treated wastewater effluent discharged from the mitigation area could reduce water quality in Steinberger Slough; however, the discharge would have to meet standards set by the Regional Water Quality Control Board.

The proposed development would include 841 dwelling units and would provide housing for approximately 2,000 new residents. The new development would generate an estimated 5,800 vehicle trips per day, resulting in impacts on traffic and air quality. The proposed project would also result in an increase in demand for public services (police, fire, schools, recreation, waste disposal, utilities, etc.) and increased tax revenues for the city of Redwood City.

Based on an analysis of the above impacts, a preliminary determination has been made that it will not be necessary for the Corps to prepare an Environmental Statement (ES). The proposed activity will not involve cultural resources which are listed, eligible for listing, or potentially eligible for listing in the National Register of Historic Places. The environmental assessment of this project has not yet been finalized and this preliminary determination may be reconsidered if additional significant information is developed.

9. A permit issued by the Department of the Army does not give any property rights either in real estate or materials, or any exclusive privileges; and does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it eliminate the necessity of obtaining State assent to work authorized. The decision by the Corps of Engineers whether to issue a permit will be based on an evaluation of the probable impact of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be

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expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

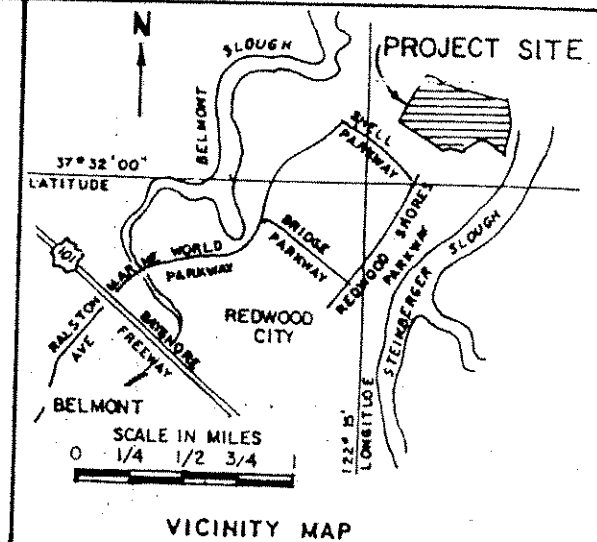
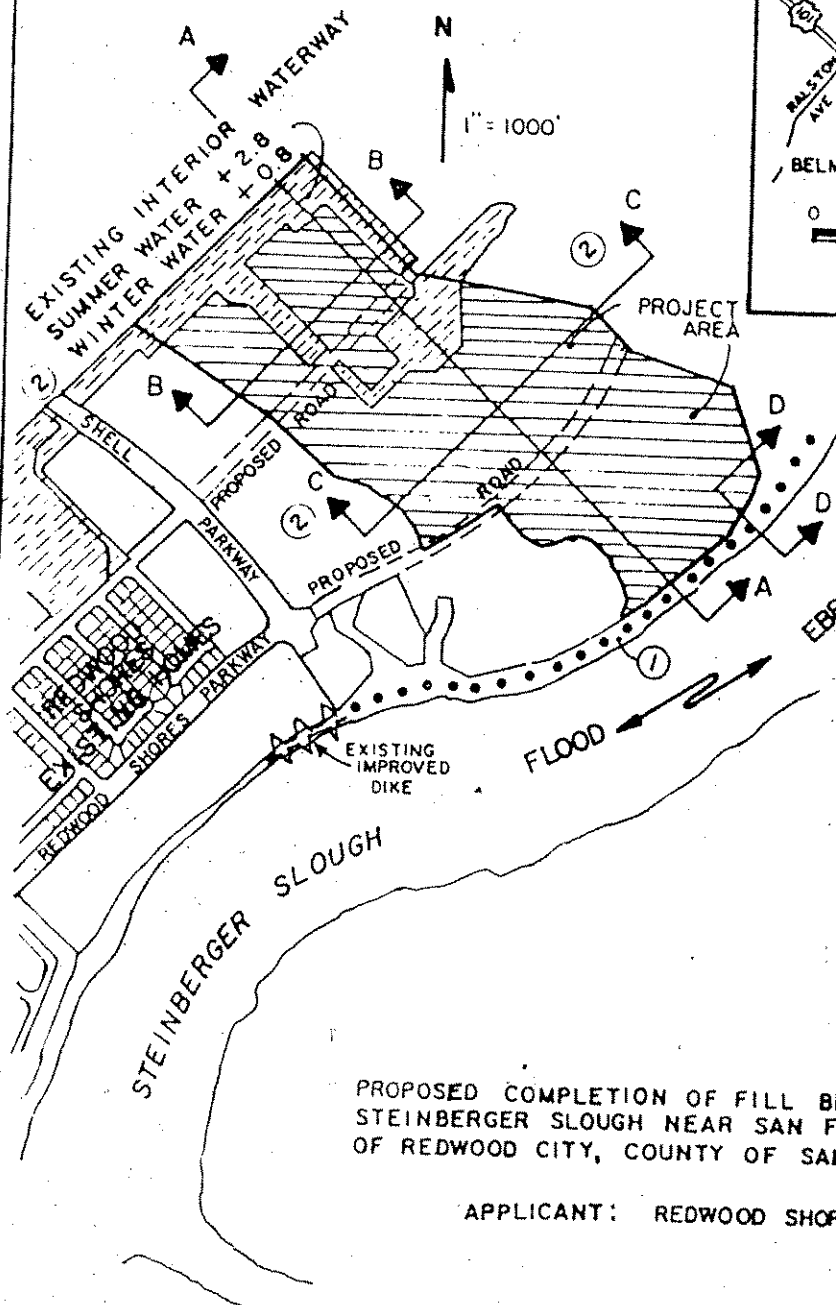
10. Interested parties may submit in writing any comments that they may have on this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the commenting period. Comments should be sent to: Major Thomas J. Edgerton, District Engineer. It is the Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Additional details may be obtained by contacting the applicant whose address and telephone number are indicated in the first paragraph of this notice, or by contacting Frank Kelleher of our office (telephone 415-974-0424). Details on any changes of a minor nature which are made in the final permit action will be provided on request.

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PROPOSED FILL FOR DEVELOPMENT  
IN SAN FRANCISCO BAY (SOUTH)  
AT REDWOOD CITY  
COUNTY OF SAN MATEO STATE CALIF.  
APPLICATION BY REDWOOD SHORES, INC.

SHEET 1 OF 8

DATE 3/2/82



PROPOSED DIKE IMPROVEMENTS  
SEE SECTION D-D. SHEET 2

ADJACENT PROPERTY OWNERS:

- ① STATE OF CALIFORNIA
- ② REDWOOD SHORES, INC.

PROPOSED COMPLETION OF FILL BEHIND EXISTING DIKE NEAR  
STEINBERGER SLOUGH NEAR SAN FRANCISCO BAY IN THE CITY  
OF REDWOOD CITY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

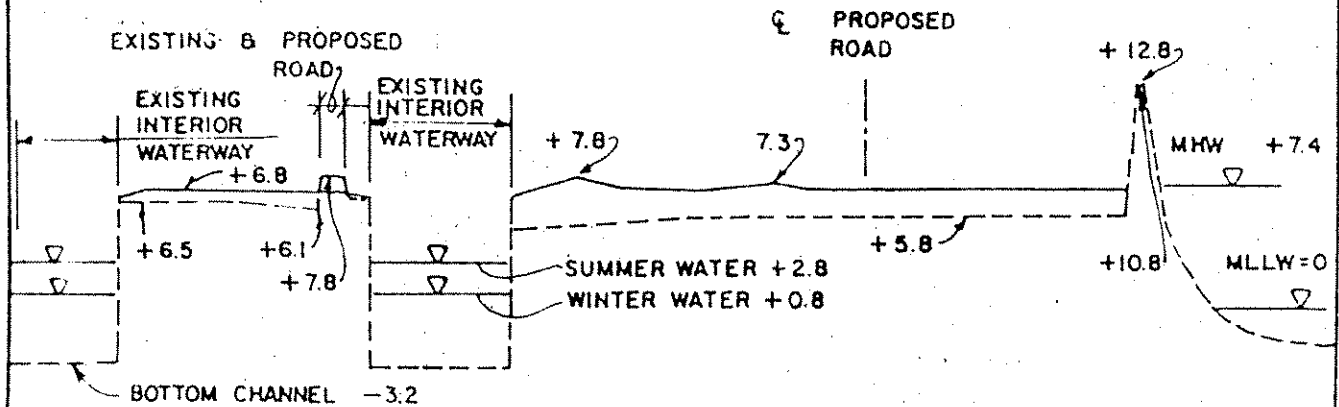
APPLICANT: REDWOOD SHORES, INC.

## PROPOSED FILL FOR DEVELOPMENT

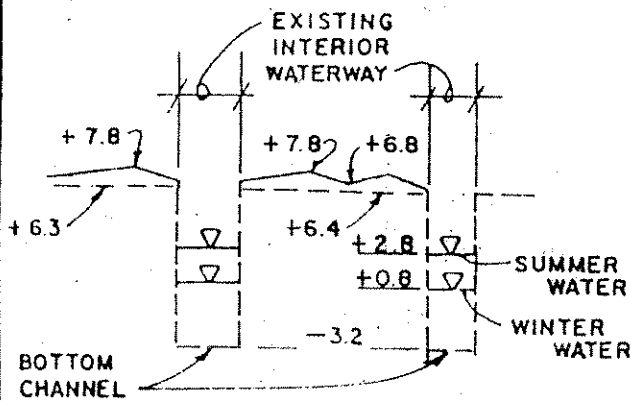
IN SAN FRANCISCO BAY (SOUTH)  
 AT REDWOOD CITY  
 COUNTY OF SAN MATEO STATE: CALIF.  
 APPLICATION BY REDWOOD SHORES, INC.

SHEET 2 OF 8

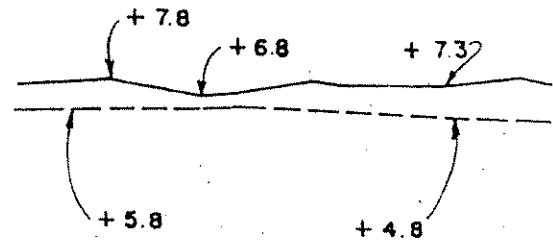
DATE 3/2/82



SECTION A-A

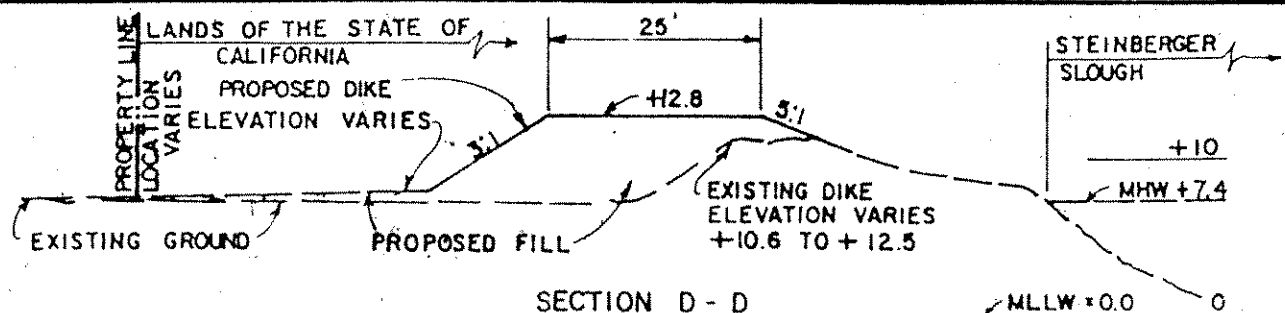


SECTION B-B



SECTION C-C

HORIZ 1"=50'  
 VERT 1"=10'



SECTION D-D

HORIZ 1"=20'  
 VERT 1"=10'

APPLICANT: REDWOOD SHORES, INC.

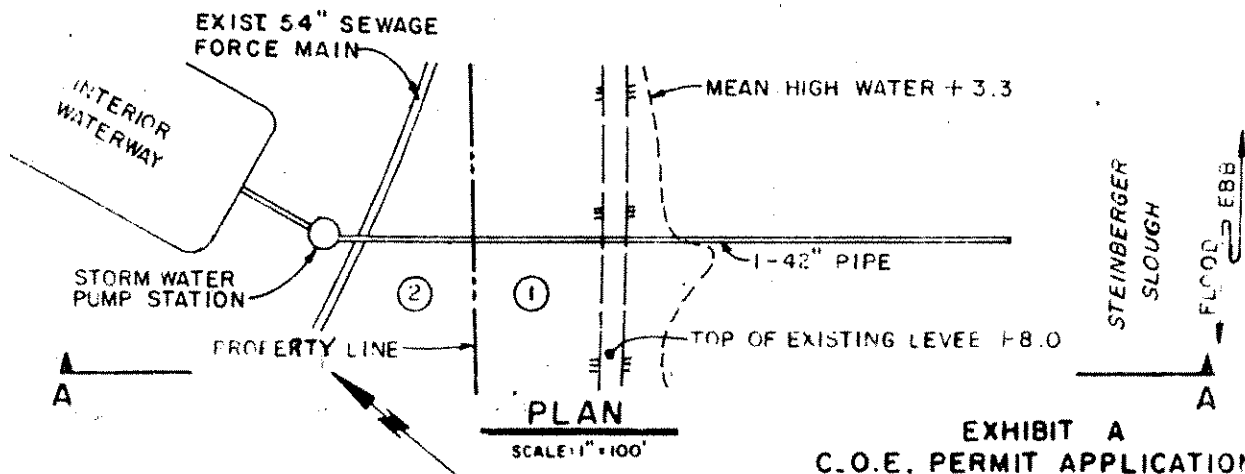
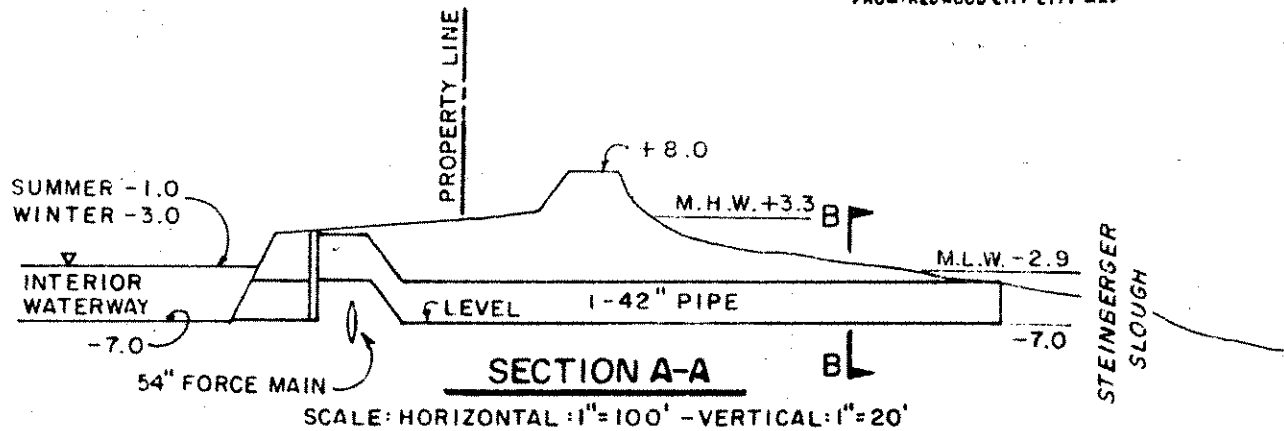
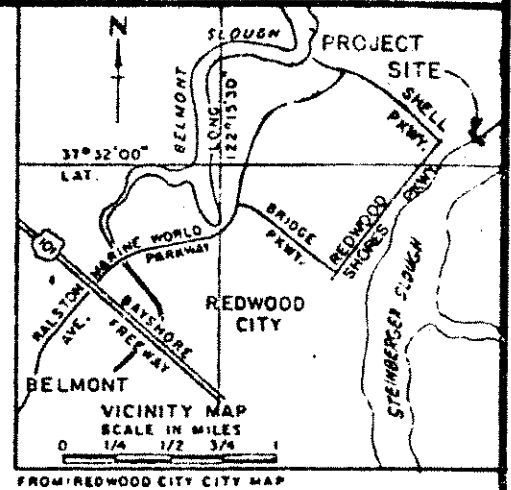
NO. 13464-49

2000 CY ± EXCAVATION

42" PIPE

**SECTION B-B**

SECTION THRU EXCAVATION  
REPLANTING OF LOST VEGETATION  
DURING EXCAVATION IS PROPOSED



**EXHIBIT A**  
**C.O.E. PERMIT APPLICATION**

ADJACENT PROPERTY OWNERS

- ① STATE OF CALIFORNIA
- ② REDWOOD SHORES, INC.

PURPOSE: SALT WATER LAGOON CIRCULATION  
DATUM: NATIONAL GEODETIC VERTICAL DATUM OF 1929

PROPOSED WATERWAY DISCHARGE PIPELINE  
IN STEINBERGER SLOUGH  
NEAR SAN FRANCISCO BAY  
IN CITY OF REDWOOD CITY  
COUNTY OF SAN MATEO STATE OF CALIF.  
APPLICATION BY REDWOOD SHORES, INC.  
**SHEET 3 OF 8** 3/2/82

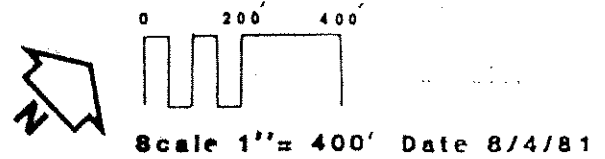


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IN SAN FRANCISCO BAY (SOUTH)  
AT REDWOOD CITY  
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APPLICATION BY REDWOOD SHORES, INC.

SHEET 4 OF 8

DATE 3/2/82

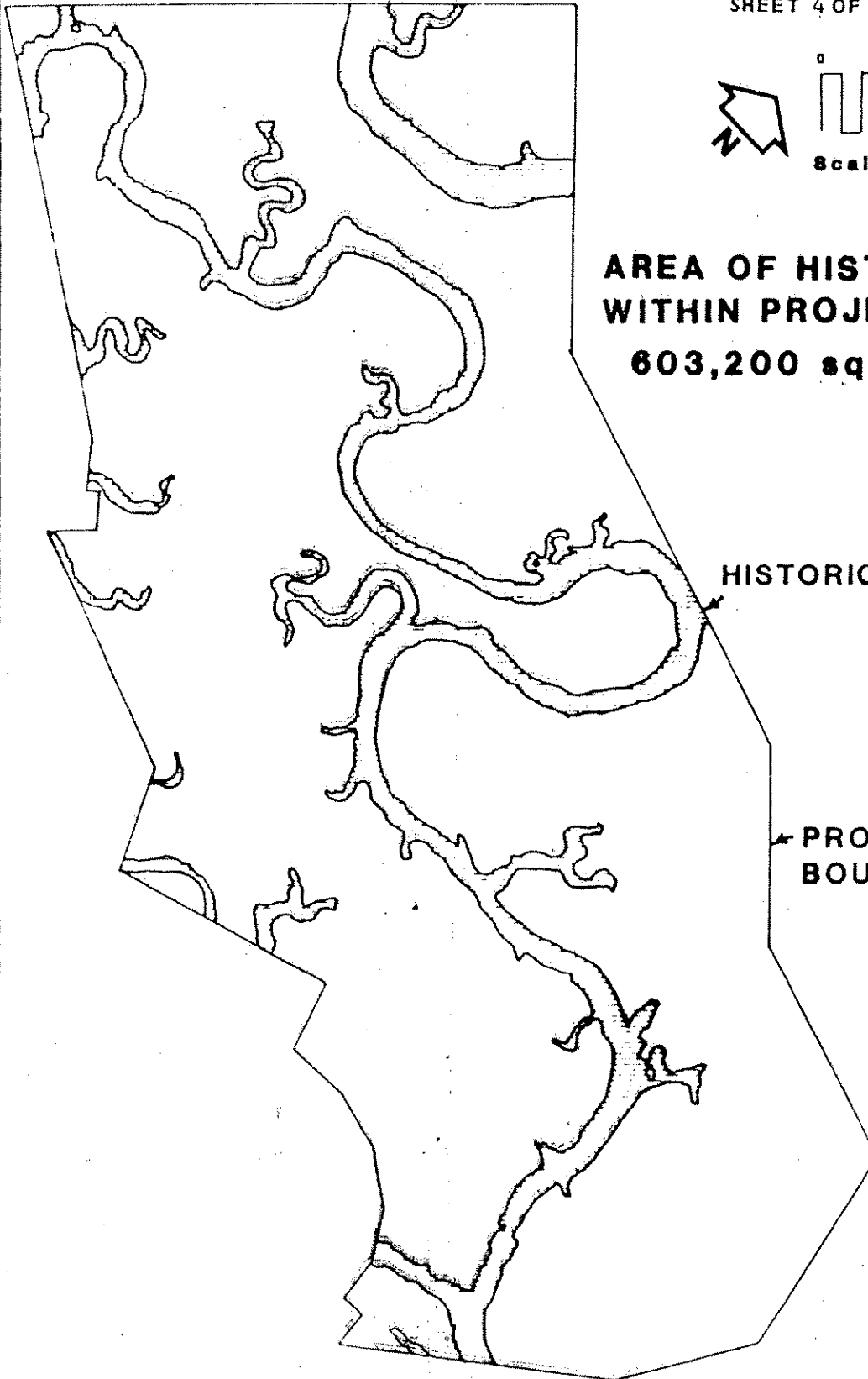


**AREA OF HISTORIC SLOUGHS  
WITHIN PROJECT AREA**

**603,200 sq.ft. or 13.85 ac.**

**HISTORIC SLOUGHS**

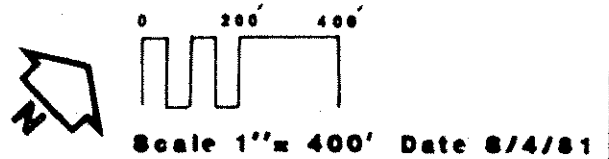
**PROJECT AREA  
BOUNDARY 82.13 ac.**



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DEVELOPMENT  
IN SAN FRANCISCO BAY (SOUTH)  
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SHEET 5 OF 8

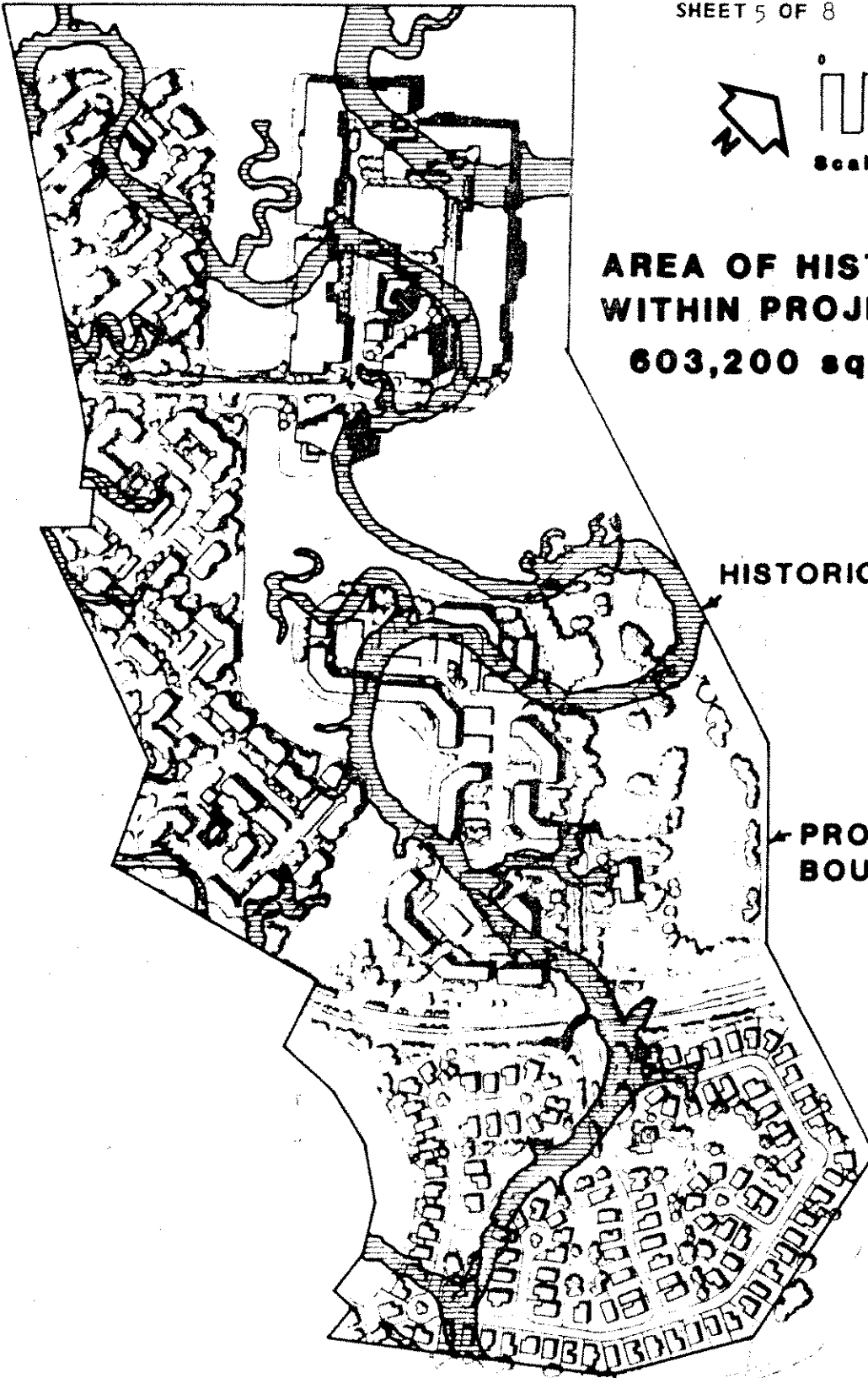
DATE 3/2/82



**AREA OF HISTORIC SLOUGHS  
WITHIN PROJECT AREA**  
**603,200 sq.ft. or 13.85 ac.**

**HISTORIC SLOUGHS**

**PROJECT AREA  
BOUNDARY 82.13 ac.**



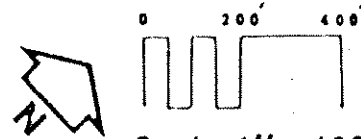
PROPOSED FILL FOR DEVELOPMENT  
IN SAN FRANCISCO BAY (SOUTH)  
AT REDWOOD CITY  
COUNTY OF SAN MATEO STATE CALIF.  
APPLICATION BY REDWOOD SHORES, INC.

SHEET 6 OF 8

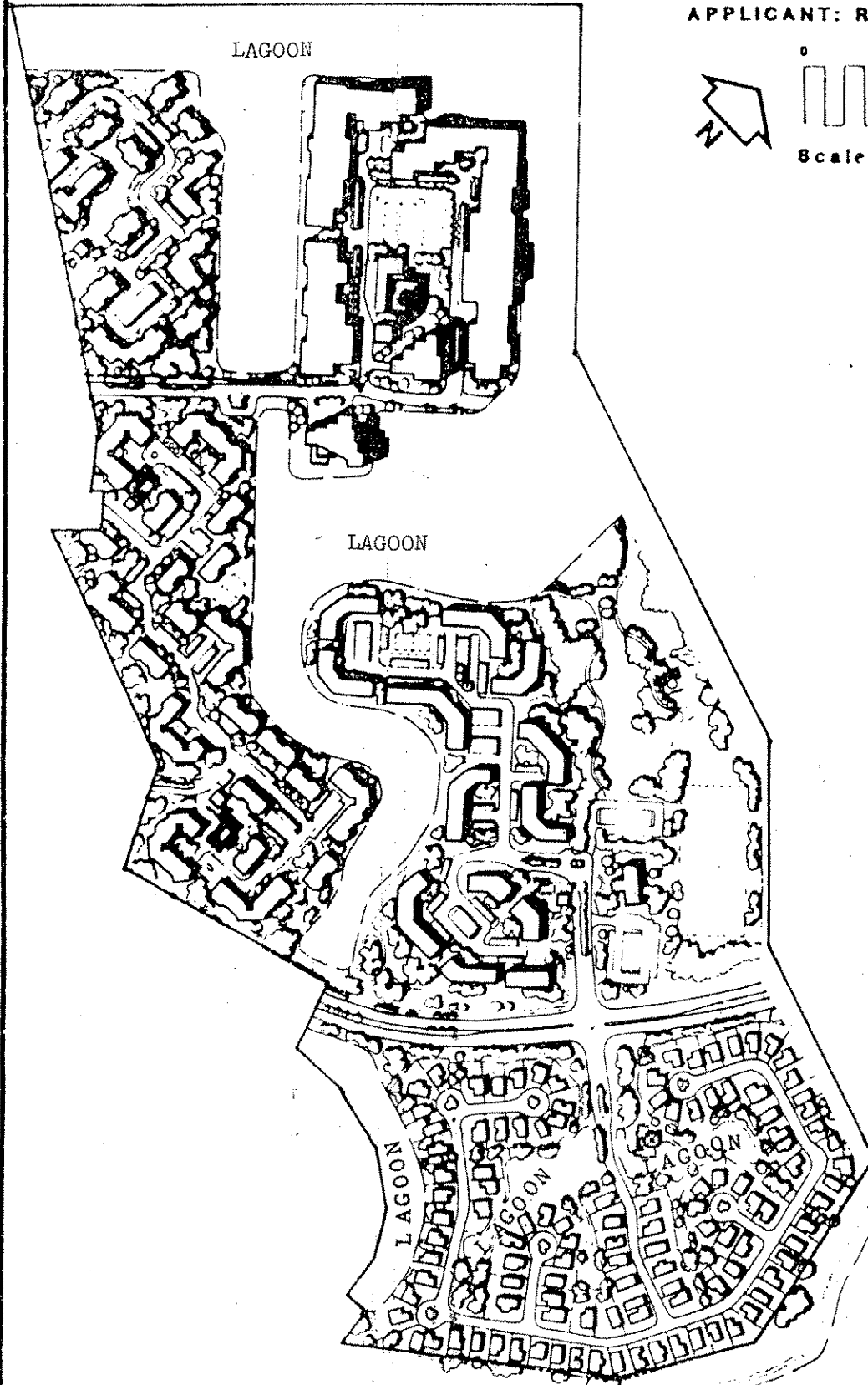
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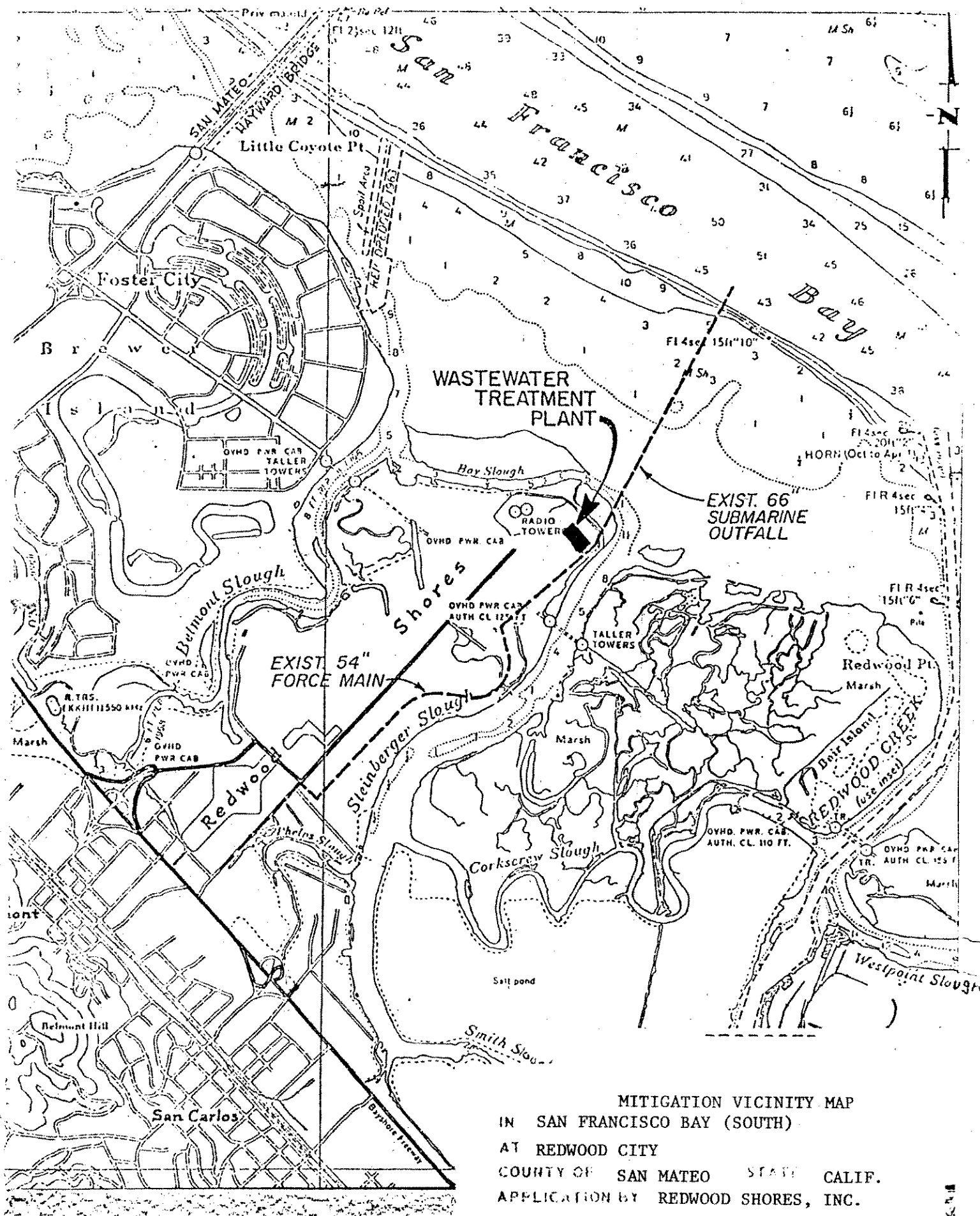
**AREA E - CONCEPT PLAN**

APPLICANT: REDWOOD SHORES, INC.



Scale 1" = 400' Date 8/4/81





MITIGATION VICINITY MAP  
IN SAN FRANCISCO BAY (SOUTH)  
AT REDWOOD CITY  
COUNTY OF SAN MATEO STATE CALIF.  
APPLICATION BY REDWOOD SHORES, INC.

